

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

SANDRA CLEVENGER CONNELLY,)
)
Plaintiff,)
)
v.) CIVIL NO. 1:06-CV-00200
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

OPINION AND ORDER

This matter is before the Court on a Motion of Award of Attorney's Fees Pursuant to the Equal Access to Justice Act filed by Plaintiff Sandra Connelly on May 11, 2007. (Docket # 26.) Defendant Commissioner of Social Security has apparently declined to file a response.

On April 19, 2007, this Court entered an Order remanding this case to the Social Security Administration for further proceedings. (Docket # 24.) Connelly is now seeking \$5,762.05 in attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The EAJA states that "[e]xcept as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses . . . incurred by that party in any civil action . . . brought by or against the United States . . . unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." 28 U.S.C. § 2412(d)(1)(A). Here, the Commissioner apparently concedes that an award of fees is appropriate since it has declined to file a response.

Accordingly, Connelly's request for attorney fees will be granted.

CONCLUSION

For the foregoing reasons, Connelly's motion for award of attorney's fees under the EAJA (Docket # 26) is GRANTED in the amount of \$5,762.05.

Entered for June 11, 2007.

S/ Roger B. Cosby
Roger B. Cosby
United States Magistrate Judge